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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Stanley R Moore Esq Jenkins & Gilchrist PC 1445 Ross Avenue Suite 3200 Dallas, TX 75202			EXAMINER FRENEL, VANEL	
			ART UNIT 3687	PAPER NUMBER
			MAIL DATE 04/28/2009	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/611,165

Applicant(s)

CALHOUN ET AL.

Examiner

VANEL FRENEL

Art Unit

3687

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 1/13/09.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- 7) ☐ Paper No(s)/Mail Date: _____

DETAILED ACTION

Notice to Applicant

1. This communication is in response to the Amendment filed on 1/13/09 Claims 1, 12 and 13 have been amended. Claims 1-20 are pending.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Warady et al (6,067,522) in view of Joao (7,305,347).

As per claim 1, Warady discloses the computer system comprising: a memory (See Warady, Col.7, lines 50-67), and a set of linked data tables organized into a logical entity in the memory and including for each member (See Warady, Fig.2; Col.5, lines 5-42): a master account table including account setup information for at least one of utilization and login actions for said web-based managed care transaction system "for a given employer"; a set of one or more member history tables associated with the member table, each member history table associated with a given employer plan, wherein said logical entity is persistent over changes to each members' changes within said employer plan (See Warady, Col.4, lines 1-67 to Col.5, line 64).

Warady does not explicitly disclose a computer system for use in a web-based managed care transaction system, a member table including identity information for at least one member and their dependents; wherein the web-based managed care transaction system is adapted to enable via the linked set of data tables, an administrative account to be moved across health plans of the at least one member and their dependents throughout their life; wherein the web-based managed care transaction system is adapted to allow the at least one member to review, manage, and update the administrative account via a web browser, the administrative account comprising a history of health plans including past and present health plans of the at least one member and their dependents; wherein the administrative account is controlled by the at least one member "allowing the at least one member to update the administrative account as frequently as needed; "wherein the administrative account is updated by the at least one member from a single location at the at least one members convenience; and wherein the administrative account is portable allowing the at least one member to move the administrative account with the at least one member in an event of a change of employers".

However, these features are known in the art, as evidenced by Joao. In particular, Joao suggests a computer system for use in a web-based managed care transaction system (See Joao, Fig.1; Co1.13, lines 18-42; Co1.15, lines 52-67), a member table including identity information for at least one member and their dependents (See Joao, Col.22, lines 46-50 which shows dependents on the account); wherein the web-based managed care transaction system is adapted to enable via the

linked set of data tables, an administrative account to be moved across health plans of the at least one member and their dependents throughout their life (See Joao, Col.22, lines 46-50); wherein the web-based managed care transaction system is adapted to allow the at least one member to review, manage, and update the administrative account via a web browser, the administrative account comprising a history of health plans including past and present health plans of the at least one member and their dependents (See Joao, Col.22, lines 46-50); wherein the administrative account is controlled by the at least one member "allowing the at least one member to update the administrative account as frequently as needed (See Joao, Col.19, lines 54-64); "wherein the administrative account is updated by the at least one member from a single location at the at least one members convenience (See Joao, Col.15, lines 21-37); and wherein the administrative account is portable allowing the at least one member to move the administrative account with the at least one member in an event of a change of employers (See Joao, Col.22, lines 5-5; Col.26, lines 54-59)".

It would have been obvious to one of ordinary skill in the art at the time of the invention to have included the features of Joao within the teachings of Warady with the motivation of providing an apparatus and a method for providing employee benefits and/or employee benefits information which provides for the portability of some or all of an employee's benefits, which can be independent of employer and/or employment status (See Joao, Col.5, lines 41-49; Col.10, lines 5-8).

As per claim 2, Warady discloses the computer system wherein the set of data tables includes an employer table having associated therewith a set of one or more employer plan tables (See Warady, Col.5, lines 1-54).

As per claim 3, Warady discloses the computer system wherein a given employer plan table identifies a given employer plan (See Warady Col.5, lines 1-54).

As per claim 4, Warady discloses the computer system further including a managed care organization (MCO) table having associated therewith a set of one or more MCO product plan tables (See Warady Col.4, lines 15-20).

As per claim 5, Warady discloses the computer system wherein a given MCO product plan table has associated therewith the set of one or more employer plan tables (Col.5, lines 1-54).

As per claim 6, Warady discloses the computer system wherein a given member history table has associated therewith a set of one or more coordinated benefits tables (Col.5, lines 1-39).

As per claim 7, Warady discloses the computer system wherein a given member history table has associated therewith a set of one or more assigned primary care physician (PCP) tables (Col.5, lines 1-54).

As per claim 8, Warady discloses the computer system wherein an assigned PCP table has associated therewith a provider affiliation table (Col.5, lines 1-54).

As per claim 9, Warady discloses the database wherein the set of data tables further includes a provider information table (Col.5, lines 1-54).

As per claim 10, Warady discloses the computer system wherein the provider information table includes a set of one or more provider affiliation tables, a set of one or more hospital affiliation tables, and a set of one or more provider staff tables (Col.5, lines 1-54).

As per claim 11, Warady discloses the computer system wherein the set of data tables includes a staging area table that includes data which tracks the member through various transaction events (Col.5, lines 42-67 to Col.6, line 11).

As per claim 12, Warady discloses a database for storing a set of linked data tables organized into a persistent logical entity wherein said logical entity maintains data on each member in spite of status changes and including for each member (See Warady, Fig.2; Col.5, lines 5-42): a master account table including account setup information for at least one of utilization and login actions for said web-based managed care transaction system for a given employer (See Warady; Col.9, lines 24-58); a set of

one or more member history tables associated with the member table, each member history table associated with a given employer plan (See Warady Col.5, lines 6-54).

Warady does not explicitly disclose a web-based managed care transaction system accessible over a computer network using a client browser, comprising a transaction server; a member table including identity information for at least one member and their dependents; wherein the web-based managed care transaction system is adapted to enable via the linked set of data tables, an administrative account to be moved across health plans of the at least one member and their dependents throughout their life; wherein the web-based managed care transaction system is adapted to allow the at least one member to review, manage, and update the administrative account via a web browser, the administrative account comprising a history of health plans including past and present health plans of the at least one member and their dependents; wherein the administrative account is controlled by the at least one member "allowing the at least one member to update the administrative account as frequently as needed; "wherein the administrative account is updated by the at least one member from a single location at the at least one members convenience; and wherein the administrative account is portable allowing the at least one member to move the administrative account with the at least one member in an event of a change of employers".

However, these features are known in the art, as evidenced by Joao. In particular, Joao suggests a computer system for use in a web-based managed care transaction system (See Joao, Fig.1; Co1.13, lines 18-42; Co1.15, lines 52-67), a

member table including identity information for at least one member and their dependents (See Joao, Col.22, lines 46-50 which shows dependents on the account); wherein the web-based managed care transaction system is adapted to enable via the linked set of data tables, an administrative account to be moved across health plans of the at least one member and their dependents throughout their life (See Joao, Col.22, lines 46-50); wherein the web-based managed care transaction system is adapted to allow the at least one member to review, manage, and update the administrative account via a web browser, the administrative account comprising a history of health plans including past and present health plans of the at least one member and their dependents (See Joao, Col.22, lines 46-50); wherein the administrative account is controlled by the at least one member "allowing the at least one member to update the administrative account as frequently as needed (See Joao, Col.19, lines 54-64); "wherein the administrative account is updated by the at least one member from a single location at the at least one members convenience (See Joao, Col.15, lines 21-37); and wherein the administrative account is portable allowing the at least one member to move the administrative account with the at least one member in an event of a change of employers (See Joao, Col.22, lines 5-5; Col.26, lines 54-59)".

It would have been obvious to one of ordinary skill in the art at the time of the invention to have included the features of Joao within the teachings of Warady with the motivation of providing an apparatus and a method for providing employee benefits and/or employee benefits information which provides for the portability of some or all of

an employee's benefits, which can be independent of employer and/or employment status (See Joao, Col.5, lines 41-49; Col.10, lines 5-8).

As per claim 13, Warady discloses at least one client machine on which a graphical user interface operates (See Warady; Co1.13, lines 23-54), a network-based subsystem comprising: a multiplexer (The Examiner interprets interfaces 702, 704 and 706 to be a form of multiplexer Col.9, lines 17-60); a plurality of functional modules (See Warady, Fig.I; Col.4, lines 21-67), a transaction processor (See Warady, Co1.13, lines 23-28), a managed care organization (MCO) subsystem interfaced to said transaction processor (See Warady, Col.4, lines 12-39), a database wherein a logical entity retains data representative of users received healthcare within said database persistent across changes to a user's healthcare plan (See Warady, Col.4, lines 1-67 to Col.5, line 64), said database including a master account table for retaining account setup information for at least one of utilization and login actions for said web-based managed transaction system for a given employer, and a member table including identity information for at least one member and their dependents (See Warady, Col.4, lines 1-67 to Col.5, line 64).

Warady does not explicitly disclose a network-based managed care system comprising a network based server; a member table including identity information for at least one member and their dependents; wherein the network web-based managed care transaction system is adapted to enable, via the database, an administrative account to be moved across health plans of the at least one member and their

dependents throughout their life; wherein the administrative account comprises a history of health plans including past and present health plans of the at least one member and their dependents; wherein the administrative account is controlled by the at least one member "allowing the at least one member to update the administrative account as frequently as needed; "wherein the administrative account is updated by the at least one member from a single location at the at least one members convenience; and wherein the administrative account is portable allowing the at least one member to move the administrative account with the at least one member in an event of a change of employers".

However, these features are known in the art, as evidenced by Joao. In particular, Joao suggests a computer system for use in a web-based managed care transaction system (See Joao, Fig.1; Co1.13, lines 18-42; Co1.15, lines 52-67), a member table including identity information for at least one member and their dependents (See Joao, Col.22, lines 46-50 which shows dependents on the account); wherein the web-based managed care transaction system is adapted to enable via the linked set of data tables, an administrative account to be moved across health plans of the at least one member and their dependents throughout their life (See Joao, Col.22, lines 46-50); wherein the web-based managed care transaction system is adapted to allow the at least one member to review, manage, and update the administrative account via a web browser, the administrative account comprising a history of health plans including past and present health plans of the at least one member and their dependents (See Joao, Col.22, lines 46-50); wherein the administrative account is

controlled by the at least one member "allowing the at least one member to update the administrative account as frequently as needed (See Joao, Col.19, lines 54-64); "wherein the administrative account is updated by the at least one member from a single location at the at least one members convenience (See Joao, Col.15, lines 21-37); and wherein the administrative account is portable allowing the at least one member to move the administrative account with the at least one member in an event of a change of employers (See Joao, Col.22, lines 5-5; Col.26, lines 54-59)".

It would have been obvious to one of ordinary skill in the art at the time of the invention to have included the features of Joao within the teachings of Warady with the motivation of providing an apparatus and a method for providing employee benefits and/or employee benefits information which provides for the portability of some or all of an employee's benefits, which can be independent of employer and/or employment status (See Joao, Col.5, lines 41-49; Col.10, lines 5-8).

As per claim 14, Warady discloses the network-based managed care system wherein said functional modules comprise: an enrollment module (See Warady, Fig.1; Fig.5) billing module (Fig.5)., messaging module (Fig.5); and inquiry module (Fig.5).

As per claim 15, Warady discloses the network-based managed care system wherein changes to a user's health plan occur as a user changes employment (See Warady, Col.4, lines 1-67 to Col.5, line 64).

As per claim 16, Warady discloses the network-based managed care system wherein changes to a user's health plan occur as a user changes their healthcare plan (See Warady, Col.4, lines 1-67 to Col.5, line 64).

As per claim 17, Joao discloses the network-based managed care system wherein the network comprises an Internet (See Joao, Co1.15, lines 52-57).

As per claim 18, Warady discloses the network-based managed care system wherein said the database contains a historical record of care provided to said user (Col .10, lines 42-67).

As per claim 19, Warady discloses the network-based managed care system wherein said persistent logical entity comprises the administrative account (Col.4, lines 1-20).

As per claim 20, Warady discloses the network-based managed care system wherein said persistent logical entity spans a user's change in employment plans (Col. 5, lines 65-67 to Col.6, line 53).

Response to Arguments

4. Applicant's arguments filed on 01/13/09 with respect to claims 1-20 have been considered but they are not persuasive. Applicant's arguments will be addressed in the order in which they appear in the response filed on 01/13/09.

(A) At pages 6-9 of the 01/13/09 response, Applicant argues the followings:

(i) The cited combination of Warady and Joao fails to disclose at least one of the distinguishing features of amended independent claim 1, namely, a web-based managed care transaction system adapted to enable, via a linked set of data tables, an administrative account to be moved across health plans of at least one member and their dependents throughout their life and that the web-based managed care transaction system is adapted to allow the at least one member to review, manage, and update the administrative account via a web browser, the administrative account comprising a history of health plans including past and present health plans of the at least one member and their dependents. In addition, the cited references fail to disclose that the administrative account is controlled by the at least one member allowing the at least one member to update the administrative account as frequently as needed.

(ii) Furthermore, the cited references fail to disclose that the administrative account is updated by the at least one member from a single location at the at least one members convenience and that the administrative account is portable allowing the at least one member to move the administrative account with the at least one member in an event of a change of employers.

(iii) The Examiner acknowledges that Warady fails to disclose a web-based managed care transaction system adapted to enable, via a linked set of data tables, an

administrative account to be moved across health plans of at least one member and their dependents throughout their life and that the web-based managed care transaction system is adapted to allow the at least one member to review, manage, and update the administrative account via a web browser. However, the Examiner disagrees.

(B) With respect to Applicant's first argument, the Examiner respectfully submitted that He relied upon the teachings of Joao (See Joao Col.22, lines 45-50 whom stated for example, the employee can agree to purchase enhanced benefits, which may provide for greater coverage's, additional types of coverage's decreased deductibles or co-payments increased dependents on the policy etc., simply by ordering same on-line via the communication device 20) which correspond to Applicant's claimed feature. Therefore, Applicant's argument is not persuasive and the rejection is hereby sustained.

(C) With respect to Applicant's second argument, the Examiner respectfully submitted that He relied upon the teachings of Joao (See Joao, Col.26, lines 54-59) which correspond to Applicant's claimed feature. Therefore, Applicant's argument is not persuasive and the rejection is hereby sustained.

(D) With respect to Applicant's third argument, the Examiner respectfully submitted that He relied upon the teachings of Joao (See Joao, Col.15, lines 52-62) which correspond to Applicant's claimed feature. Therefore, Applicant's argument is not persuasive and the rejection is hereby sustained.

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vanel Frenel whose telephone number is 571-272-6769. The examiner can normally be reached on 6:30am-5:00pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew S. Gart can be reached on 571-272-3955. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status

information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Nanel Frenel/

Examiner, Art Unit 3687

April 23, 2009